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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,261	11/14/2003	James D. Velke	3696-61	8053
23117 7590 05/15/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER KOVACS, ARPAD F	
			ART UNIT 3671	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,261

Applicant(s)

VELKE ET AL.

Examiner

Árpád Fábián Kovács

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

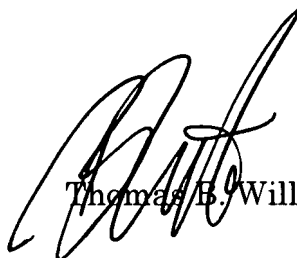
1. In view of the appeal brief filed on 3/8/2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Thomas B. Will
Supervisory Patent Examiner

AU 3671.

Claim Rejections - 35 USC § 103

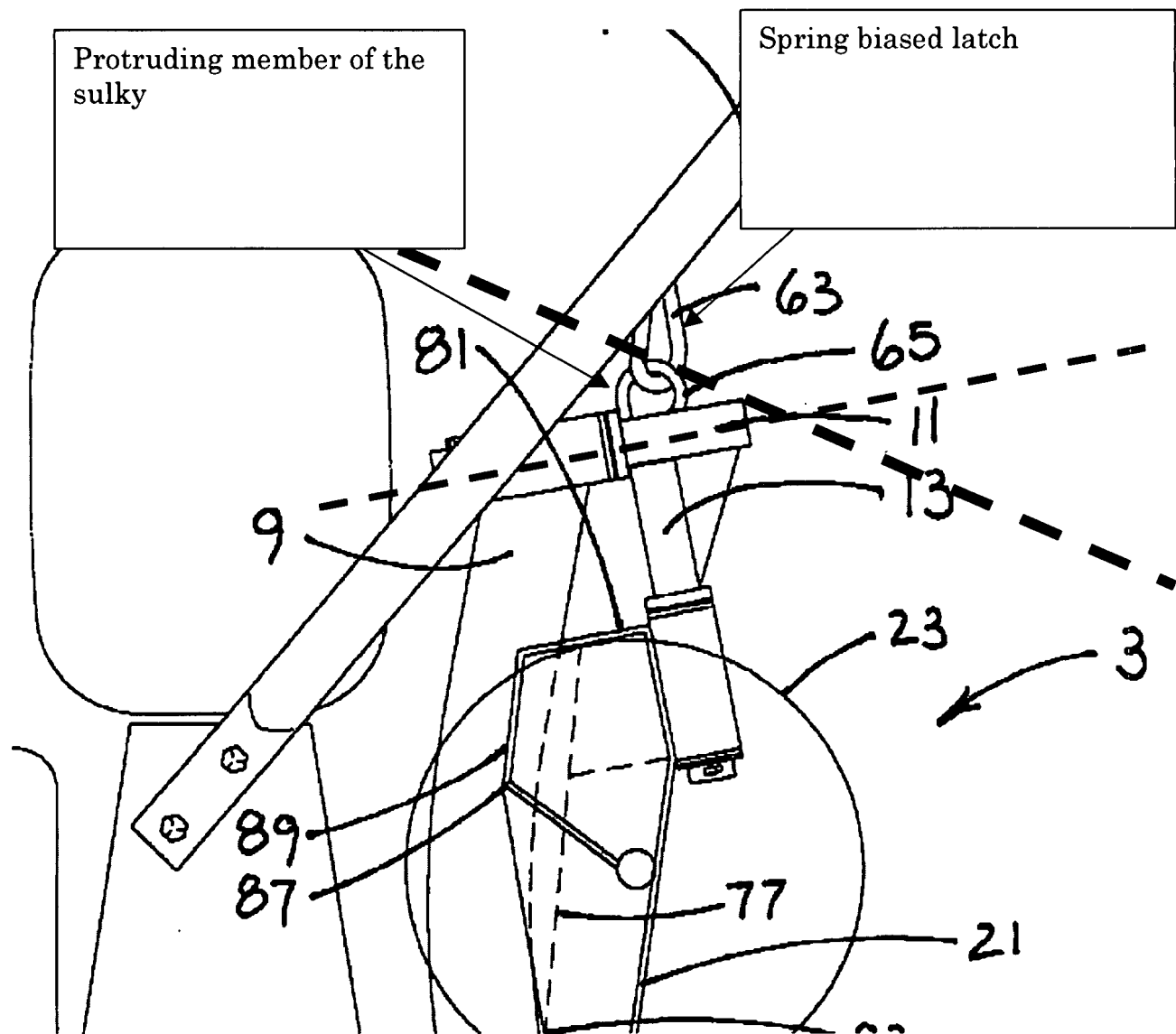
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velke ('371), in view of Klingier ('354) and/or Brainerd et al ('834) and/or Gray et al ('911) and/or Dunn et al ('339).

Velke discloses the claimed device: an engine (53, col. 6, ln 8-11); a sulky (3) comprises a substantially vertical pivot axis structure (fig 12, vertical pivot 11), a foot platform (21) pivots relative to a front arm (9) about the same pivot axis above; a latch assembly for coupling a protruding member (65) member of the sulky to a spring-biased latch (81) as defined in the claim & angles shown with dashed lines as shown in the figure below:

Art Unit: 3671



the latch assembly is located under the dashboard of the mower (fig 12); a buttress plate (29), so that a leading portion (79) of the sulky capable of hitting the buttress plate; the sulky extends outwardly from the vertical pivot axis of the sulky (fig 12); except for specifying the link (ref 63) clearly as "carabiner" or "locking snap hook" or "spring biased latch."

Klingier discloses that it is known in the art to provide a “carabiner” or “locking snap hook” or “spring biased latch” to support a weight attached when the spring loaded “gate” of the carabiner is in the latched position.

Brainerd discloses that it is known in the art to provide a “carabiner” or “locking snap hook” or “spring biased latch” (fig 1B, 2A) that is economical to manufacture & durable (col. 2, ln 31-48).

Gray discloses that use of “carabiner” (26) or “locking snap hook” or “spring biased latch” is well known:

“Referring again to FIG. 5, and to the preferred embodiment depicted therein, it will be seen that the distal portion 24 of the line 14 is comprised of a snap hook 26 which can readily be connected and disconnected from bit 28 (see FIG. 6). These snap hooks 26 are well known to those skilled in the art and are described, e.g., in U.S. Pat. Nos. 5,762,282 (locking snap hook or carabiner), 5,738,033 (carabiner like hooks, safety hooks, and connector hardware), 5,727,646 (hook, bracket, carabiner, and other types of hardware that can be readily connected or disconnected), 5,692,306 (carabiner hook), 5,687,535, (hook or carabiner), 5,634,499 (hook or carabiner), 5,608,961 (carabiner hook), 5,570,512 (carabiner hook), 5,560,441 (carabiner or quick link), 5,553,685, 5,526,896, 5,463,798 (self locking carabiner), 5,370,202 (snap lock or carabiner), and the like. The entire disclosure of each of these United States patents is hereby incorporated by reference into this specification.”

Dunn discloses that it is known in the art to provide a lawn mower a supporting means that consist of and/or includes a snap-lock retainers (24 and 25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to know that the snap-lock retainer / spring biased latch (ref 81) of Velke is a “carabiner” or “locking snap hook” or “spring biased latch” as demonstrated by Klingier/Brainerd/Gray/Dunn that it is well known, and it is widely used across many arts, including the lawn mower art.

Response to Arguments

4. Applicant's arguments with respect to claims 27-30 have been considered but are moot in view of the new ground(s) of rejection.

In re applicant's argument in re the "spring biased latch", please see the detailed rejection above.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Árpád Fábián Kovács', with a stylized flourish at the end.

Árpád Fábián Kovács
Primary Examiner
Art Unit 3671

ÁFK